

## Gay Rites and Religious Rights

### *New York's First Same-Sex Marriage Controversy*

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In April 1971, a bride and groom, both African Americans, stood before the altar of a New York City Episcopal church to exchange vows that consecrated their relationship before God. Barbara Trecker, a journalist with the *New York Post*, was on hand to report this notable event, and her article began with the most important detail: the weather was perfect. The bride looked stunning in a floor-length yellow gown and handmade veil, as did the attending bridesmaid attired in green satin. The groom wore a classic black tuxedo with a carnation in the lapel, and the happy couple was surrounded by beaming family and friends and popping flashbulbs. The simple liturgy of the ceremony—described as a “holy union”—followed the conventional exchange of vows “to love and to cherish in the sight of God.” The ceremony had “all the trimmings of a conventional wedding,” the journalist noted. Except for one important detail—the groom in that tuxedo was a woman—the event appeared in every respect like the typical wedding.<sup>1</sup>

It was that detail, of course, that sparked the ensuing controversy. The “union ceremony,” as it was termed, for Bobbi Jean Sanchez and Joan Kearsse, the bride and groom presented in the article, sparked controversy and confusion in various quarters. The press coverage of the ceremony brought it to the attention of public officials and religious leaders alike, and it was these authorities who were called to weigh in on whether the ceremony was actually a wedding and whether it was legal and licit for two women to consecrate their relationship. This ceremony,

taking place during the heyday of gay liberation in New York, might appear to be a side story or an exception to a movement better known for its “Stop the Church” protests and its critiques of “organized religion.” Looking more closely at the wedding and the controversy surrounding it, however, reveals an important story about gay and lesbian wedding practices. It also highlights a broader history of Christian support for the gay liberation organizing of the 1970s.

### A Wedding? How Radical!

Kearse and Sanchez celebrated their union ceremony a little less than two years after the event that popularly marks the rise of the gay rights movement. In the early morning hours of June 28, 1969, a police raid on a Greenwich Village gay bar named the Stonewall Inn had unexpectedly turned violent. Instead of submitting to the usual humiliating litany of harassment and arrest, the bar patrons fought back and commenced demonstrations in the streets around the bar that lasted all night and into the next day. The Gay Liberation Front, an organization of young leftists formed the month after the bar raid took place, spoke of the moment as a turning point—even a radical new birth—to a new kind of gay politics.

The heady rhetoric overstated the innovation represented by Stonewall and the organizations formed in its wake—Stonewall hardly represented the first moment of resistance against a police raid on a gay bar, and gay liberation certainly was not the first stirrings of queer politics in the United States. Both took place amid gay and lesbian activism that began formally organizing after World War II. However, the newly radicalized leftists and members of existing gay and lesbian associations alike saw the Stonewall Riots as a potent symbol of a movement that was finally achieving national visibility. In the early 1970s, newscasts, newspapers, and national magazines reported on the growing gay liberation movement and its radical challenge to prevailing laws, policies, and practices that targeted homosexuals. At the same moment, however, those media channels also called attention to a related development: alongside and overlapping with the gay liberation movement, gays and lesbians were also boldly claiming as their own the very religious traditions that many onlookers, gay and straight alike, perceived to be the taproot of the cultural prejudice against homosexuality.

Media sources reporting on gay liberation also delivered news about a perplexing trend (sometimes on the same page)—same sex couples in locations from Los Angeles to Minneapolis were laying claim to marriage, that most traditional of religious institutions. The *Post* story about the Sanchez-Kearse union was New York's answer to a broad trend. This development, as it appeared in the popular press, was led by Troy Perry, an ousted Pentecostal pastor and founder of the gay-welcoming Metropolitan Community Church (MCC) in Los Angeles. The MCC's first service took place in October 1968, and national newspapers began reporting on this novel "homosexual church" in late 1969. Those first articles reported that Perry performed marriage ceremonies for gay couples.<sup>2</sup> According to his own account, Perry conducted ceremonies that declared same-sex couples to be "married in the sight of God."<sup>3</sup>

In June 1970 he took these nuptial blessings into public politics when he officiated at the marriage of Neva Joy Heckman and Judith Ann Belew, a lesbian couple who sought to have their marriage recognized by the State of California. Nowhere did the law specify that a "husband" and "wife" must be of the opposite sex, and so Perry led the couple in vows in which the women promised to faithfully uphold the respective "office of husband" and "office of wife."<sup>4</sup> Only a few weeks earlier, a gay male couple, Michael McConnell and Jack Baker, had applied for a marriage license in Minneapolis. As in California, nothing in the law specified different sex as a requirement for a license, and they managed to obtain a valid marriage certificate in advance of their scheduled December wedding.<sup>5</sup> News about these first gay weddings appeared in the very month that papers also reported on the public demonstrations commemorating the first anniversary of the Stonewall Riots. Newspapers across the country noted with wonderment that the seeming revolt against sexual morals was also accompanied by a "gay marriage boom."<sup>6</sup>

The juxtaposition of gay radicalism and gay weddings was jarring for several reasons. Weddings themselves were on the wane in the early 1970s. Dress designers as well as pastors and other religious leaders worried about the trends toward increasing divorce, premarital sex, and unmarried cohabitation.<sup>7</sup> *Brides* magazine, engine of the wedding industry that boomed just after World War II, was struggling to stay ahead of bankruptcy as a countercultural generation opted for unconventional ceremonies or chose to forgo marriage entirely.<sup>8</sup>

Gays seemed like the least likely saviors of the declining industry. Marriage, for many gay radicals and lesbian feminists, was an institution of patriarchal oppression. Liberationists castigated marriage and “organized religion” alike as institutions of sexual and gender oppression, and they proclaimed homosexuality and free love as liberating alternatives to those confining traditions. Mainstream reporters were not alone in wondering about the gay marriage boom. Many gay and lesbian liberationists also watched with perplexity as a segment of the movement eschewed liberation for a blessing on their relationships.

### A Union, a Friendship, or a Marriage?

The trend in same-sex ceremonies, however, also pointed to more subtle developments. At the foreground of that trend was a quiet story of established church support for gay liberation. The Kearsse-Sanchez union testified to this development. The ceremony took place in the sanctuary of the Church of the Holy Apostles, an Episcopal congregation in the Chelsea neighborhood of New York. Just a few months after the Stonewall Riots, the church opened the doors of its mission house to the Gay Liberation Front (GLF), which had outgrown its loft space at Alternative University. The group arranged, for a nominal fee, to lease space from the church to hold dances and meetings. Robert Weeks, the church’s newly arrived rector, made the arrangements with the consent of the church vestry and the knowledge of diocesan officials. During the heady months immediately following the Stonewall Riots, the church received a steady stream of such requests. In addition to the GLF, the church provided space for discussion sessions and dances by the West Side Discussion Group, a homophile organization founded in the 1950s. The Gay Activist Alliance (GAA), a splinter group from the GLF, also requested meeting space at the church. Over the course of the next few years, nearly a dozen gay and lesbian groups cycled through the church. Gay newspapers in the early 1970s simply designated events that took place on the church premises with the acronym “CHA,” for Church of the Holy Apostles. The movement sparked by a bar raid found a temporary home in a church.

Holy Apostles was not exceptional. Progressive churches in other cities also provided meeting space to gay and lesbian groups. These

arrangements often benefited all parties. Many of those urban congregations struggled to stretch donations from dwindling congregations to take care of aging buildings. But the relationship went well beyond material benefit. Urban ministers, working at the forefront of progressive movements in their denominations that emphasized social justice, understood their relationships with communities outside their churches in terms famously declared by liberal theologian Harvey Cox—churches needed to open their doors to the revolution taking place around them. This embrace of revolution certainly informed the activities of Holy Apostles' rector. Weeks attended meetings of the gay liberation groups and participated in political rallies. More than passively providing meeting space, the rector participated in the facilities arrangement as an outreach ministry.

In the spring of 1970, another kind of gay organization had sought facility use from Holy Apostles. Robert Clement, a gay man and a former priest in the Polish National Catholic Church, approached Weeks for permission to use the church's sanctuary for the services of a new congregation named the Church of the Beloved Disciple, which promoted itself as "a church for gay people." With some trepidation that the new gay congregation would siphon off some of Holy Apostles' own members, Weeks and his vestry agreed to host the services. Clement widely publicized the new gay church, and its first service, which took place on a Sunday afternoon two weeks after the first anniversary of Stonewall, drew hundreds. The congregation of the Beloved Disciple quickly outpaced its host, as queer New Yorkers flocked to see the elaborate liturgical services of a congregation that visibly proclaimed a welcome to gay people. The bulletins of service every Sunday repeated the proclamation, "Gay People This Is Your Church!" and the choir wore lavender robes. It soon became unclear, at least to outsiders, which congregation was the guest and which the host. The gay church outnumbered and outpublicized the host congregation, and in the common parlance of gay community members, the church was simply known as the Church of the Beloved Disciple.

Like Perry before him, Clement, in his role as priest, officiated over union ceremonies for same-sex couples. Unlike Perry and other ministers in the MCC, Clement opted to emphasize the distinction between the "holy unions" he officiated and the "marriage ceremonies" of

heterosexual couples. Clement made this distinction clear in the service that was covered in the *New York Post*. The ceremony, Clement told the *Post*, was “not just a parallel of straight marriage. . . . Let us not bring into our beautiful gay parish all the faults and problems that sometimes beset marriages.” Even as he distanced the ceremonies from heterosexual marriage, however, Clement took up the language of sacrament, a term that echoed the marriage theology of Orthodox and Roman Catholic Churches. The union ceremonies, Clement insisted, provided “a blessing of the love of two people sacramentally in the eyes of God and in the Church.”<sup>9</sup> It was a paradoxical move—the MCC, following Protestant traditions, did not speak of marriage as a sacrament. However, the “holy union” of the Beloved Disciple, while not a marriage, was indeed a sacrament, a means of divine grace for the couples that exchanged vows.

The *Post* article offered no quibble to this unorthodox marriage theology, but it did reveal another surprise—Weeks, the rector of Holy Apostles, also officiated in blessing rites for same-sex couples. Weeks admitted to the journalist that his numbers were much lower than his counterpart’s. He also chose a different name, calling the rituals “services of friendship,” reflecting a more modest relationship theology. However, the liturgy of the service differed very little from the service of holy matrimony provided for heterosexual couples. Weeks sent a copy of the service to New York’s Episcopal bishop Paul Moore with an explanation of its meaning. “This blessing service cannot be considered either in the eyes of the Church or in the Law as being ‘marriage,’” he indicated. The ceremony was simply “a public blessing of two persons who desire to love, uphold, forgive and help one another.”

The language of Weeks’s liturgy borrowed from the conventional marriage ceremony but with some important innovations. The gendered language of “husband” and “wife” and the designation of “spouse” or “partner” were avoided. The liturgy went instead with the more generic terminology of “friend.” So, each participant vowed to “take this friend . . . to live together after God’s holy ordinance and as the Church permits.” Participants also promised, in conventional language, “to love, comfort, honour, and keep in sickness and in health; and, forsaking all others, keep only to this friend.” The final clause of the vow—“as long as ye both shall live”—was put in brackets. As Weeks explained in the

letter to Moore, most couples desired to make the vow to a lifelong fidelity. However, some did not, and so he offered it as an option. There were, however, some requirements: Weeks asked all couples to undergo several hours of counseling, and he only agreed to officiate at a service once he felt confident that the two people “really desire[d] a faithful relationship.” He also would not permit either partner to cross-dress—something that, he explained to Moore, “I don’t regard . . . as being in good taste for a public Church service.” It was not only the pastors of new gay churches who were blessing same sex relationships; Weeks was one of a handful of mainstream clergy who understood his support for gays and lesbians to include consecrating their relationships.

Thus, both the new gay church and the established Episcopal congregation offered rites of blessing for same-sex couples. Both clergy distinguished these blessings from marriage, albeit for different reasons. Clement performed a sacramental rite that marked gay relationships as unique and distinct from the “faults and problems” of heterosexual marriages, while Weeks distinguished his “services of friendship” from the marriage ceremonies of heterosexual couples to sidestep those who would see the same-sex ceremonies as a violation of a hallowed tradition. Even as Weeks claimed a different meaning for the rite, however, the liturgy was little more than a gender-neutral version of the conventional marriage ceremony. Neither the “holy union” nor the “service of friendship” was a marriage, but the pains taken to mark the distinction also pointed directly to the possibility of confusion. Could a ceremony be a marriage in everything but name?

### A Boundary between Religious Rites and Civil Rights?

The careful distinctions between “marriage ceremonies,” “holy unions,” and “services of friendship” were lost in the outraged responses to the ceremonies. The *Post* drew a denunciation from Herman Katz, the city clerk of New York, whose office was responsible for issuing civil marriage licenses. Katz, in a statement to the press, accused Clement and Weeks of performing illegal marriages and threatened arrests if the ceremonies continued. The practice of recognizing same-sex relationships—at a moment when New York laws still forbade practices of “sodomy”—expressed a potent political challenge to the legal status quo.

Alongside this legal challenge, the Episcopal bishop of New York also faced a barrage of angry letters. One irate inquirer demanded to know why the bishop would permit a gay group to “distort the sacraments of the church” in an Episcopal Church sanctuary.<sup>10</sup> Further inquiry pressed the bishop to attend to the rogue Episcopal priest who was also conducting union services for same-sex couples.

The most public response to the controversy came from the Gay Activist Alliance. Most gay liberationists had no interest in horning their way into an oppressive patriarchal institution. They didn’t want to advocate gay marriage, but Katz’s comments were discriminatory. The GAA responded by launching one of its most creative “zaps,” gay liberationist parlance for creative protests. GAA members converged on Katz’s office at the municipal court to celebrate an engagement party for two same-sex couples, a gala protest complete with wedding cake, music, dancing, and a mock invitation to the event from Katz himself.<sup>11</sup> This sort of queer activism is part of a familiar story, and it played well with the press.

Other responses shed more light on the significance of these early gay unions. Clement and Weeks’s official response to Katz took a more sober-minded approach. They contacted a lawyer to defend themselves against the charge that they had violated the law by “unlawfully solemnizing a marriage.” The lawyer’s letter took a rather remarkable legal approach. The response ceded the question of civil recognition to focus, instead, on religious rights. Civil law, in using the terms “husband” and “wife” to designate a legal marriage, implied that a ceremony, in order to be a marriage, required participants “to take each other as husband and wife.” Perry’s marriage ceremony, which led participants to take the “office” of husband and wife, may have been the implied example here. The letter emphasized that the ceremonies conducted by Clement and Weeks were emphatically not civil marriages. Rather, “a fair characterization of the ceremony would be that it is an ecclesial recognition and blessing of the relationship between two homosexuals.” Indeed, because the ceremonies were ecclesial and not civil, the clerk’s office was overstepping its legal bounds. Katz’s threat amounted to “an unjustified and dangerous attempt to interfere with the internal operations of a church.”<sup>12</sup> Gays and lesbians’ *religious* rights, that is, gave them authority to participate in ceremonies that consecrated their relationship.



The question of religious rights has different valence within religious communities themselves, where decisions are not bound by questions of equal legal recognition. Bishop Moore, however, carefully engaged the language of rights in his responses to discomfited conservative Episcopalians. The bishop's response to these offended church members carefully argued that both the Beloved Disciple and the Holy Apostles congregations ought to be granted the freedom to act upon their convictions. They should be free to make their own decisions, even if they were poor ones. The holy union service, he admitted, was "in bad taste." He wrote: "I believe that the homosexual community . . . [has] a right to express their religious beliefs in their own way. If a parish wishes to allow this ministry to occur within their building even though it may cause some embarrassment to others, we feel it is a plus, not a minus." As for Robert Weeks's participation, the bishop carefully stipulated that the services in question were not actually marriages but (merely) blessings for "the deep relationships which some of these people develop between each other."<sup>13</sup>

In both Weeks's and Clement's responses to Katz and Bishop Moore's response to conservative Episcopalians, it was "religious rights" that authorized both officiants and couples to take part in same-sex ceremonies. The ceremonies—precisely because they were religious—could not be prohibited. Because they were religious and circumscribed to the realm of conscience and private practice, they did not pose a threat to the meanings of marriage for the purposes of the law. That very recognition also circumscribed their public influence, however. To keep those religious ceremonies in their properly private place, Bishop Moore sent further admonishment to Weeks: whatever form of ceremony either church practiced, they should not, in the future, invite the press. The infraction was not the nature of the ceremonies but that the public knew about them.

The controversy and its resolution draw attention to a very different piece of legal terrain than that navigated by same-sex couples in their recent successful efforts to obtain legal recognition for their relationships in a number of states. This legal battle was not over the right for legal recognition for the ceremony, but the right to have it at all. And the religious recognition granted to the services marked yet another boundary around marriage that made it distinct from the ceremonies

performed for same-sex couples. In the aftermath, Moore declined to censor Weeks's "services of friendship," and Katz refrained from pressing charges against Weeks's or Clement's "holy unions." Moore and Katz acknowledged that both were indeed religious ceremonies, and couples had a "right" to practice them. Both ministers were thus permitted to continue, but with a circumscribed legitimacy that restricted the meaning of these ceremonies to the realm of personal and thus private conviction. Marriage, in contrast, was public—a ceremony of legitimacy performed before the eyes of the state, the denomination, and the press.

### Recovering the Religion of Gay Liberation

The controversy over the "holy union" service held on that bright April day highlights the contested place of religion in the gay liberation movement and illuminates the difficult terrain on which clergy and couples claimed divine recognition for same-sex relationships. Clergy and couples, in various ways, stood between contending discourses of the gay liberation movement, established religious institutions, and the state, each of which vested marriage with different meanings. Gay-welcoming clergy and congregations navigated those contending discourses in various ways, from the MCC's emphatic claim to marriage to the Beloved Disciples' unique sacrament of a "holy union" to the more modest "service of friendship" offered by Holy Apostles. All of these ceremonies rehearsed familiar liturgies and pronounced a divine blessing over a couple's union. However, each ceremony claimed subtly different religious meanings for the exchange of vows. The public controversy that responded to the "holy union" ceremony in New York ultimately assured it provisional private meaning. Same-sex couples, averred representative authorities of both church and state, had the right to hold religious ceremonies blessing their relationships. However, the meaning of those ceremonies should also remain personal and private.

The concerted push for legal recognition of same-sex marriage gained public momentum in the early 1990s, when the question of same-sex marriage began to draw attention as a matter of public policy. Historian George Chauncey points out that it was only in the aftermath of the HIV/AIDS epidemic and the lesbian baby boom of the 1980s and early 1990s—events that brought to the surface couples' material

needs for relationship recognition—that a nationwide “marriage movement” began to take place. The investment in legal recognition, argues Chauncey, was a material one—same-sex couples were acutely aware of the ways that the lack of legal recognition made their relationships vulnerable.<sup>14</sup> Without sidelining these material investments, the account of earlier couples’ earnestly sought ceremonies for religious recognition adds an important dimension to this history. As the marriage movement focused on the material benefits of civil recognition, the religious history of gay marriage has become paradoxically invisible. The dominant discourses of marriage equality advocates circumscribed religion to the private sphere and emphasized that civil marriage, as a status granted by the state, is not beholden to the religious teachings that had long undergirded heterosexual marriage. In making such arguments, however, marriage equality advocates obscured the witness of the movement’s own religious traditions and again circumscribed the history of religious blessings for same-sex couples.

The history of those religious practices, however, suggests something else. The wedding practices of same-sex couples and supportive clergy have played a long and important role in battles for relationship recognition in both religious institutions and civil law. The exchanges of vows, along with the various “trimmings” of flowers, wedding gowns, and carefully pressed tuxes, tell another important story of marriage and its politics in the United States. These affective and quotidian practices have never been easily or neatly quarantined from the realm of public politics and civil law.

#### NOTES

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